

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 21

July 9, 2003

SUBJECT: RETURN TO FIELD DUTY OF PERSONNEL INVOLVED IN AN OFFICER-INVOLVED SHOOTING RESULTING IN INJURY OR A CATEGORICAL USE OF FORCE RESULTING IN DEATH OR THE SUBSTANTIAL POSSIBILITY OF DEATH

PURPOSE: Department Manual Sections 3/794.40 and 4/245.15, delineate procedures for returning an employee to field duty after the employee was involved in an officer-involved shooting resulting in an injury to any person, or a Categorical use of force resulting in death or the substantial possibility of death.

This Order amends procedures for returning an employee to field duty after the employee was involved in an officer-involved shooting resulting in an injury to any person, or a Categorical use of force resulting in death or the substantial possibility of death to include an assessment by the employee's commanding officer of the employee's readiness to return to field duty and approval by the Chief of Police.

PROCEDURE: Critical Incident Investigation Division (CIID) and Watch Commanders/Incident Commanders shall adhere to current guidelines established for the investigation of incident(s) of officer-involved shootings resulting in an injury to any person, or Categorical uses of force resulting in death or the substantial possibility of death outlined in the Department Manual Section 3/794.37. Generally, the term "involved employee" includes any employee(s) who was present during the incident. However, the final determination of who is an "involved employee" shall be made by the involved employee's bureau commanding officer.

I. COMMANDING OFFICER'S RESPONSIBILITY.

A. Initial Response and Preliminary Procedures. Upon notification of an on- or off-duty employee(s) under his or her command who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical use of force resulting in death or the substantial possibility of death, the commanding officer shall:

- * Immediately remove the involved employee(s) from field duty;
- * Meet with the involved employee(s) to discuss the process that will occur (e.g., CIID interviews, BSS referral, Use of Force Review Board, etc.);

Note: Supervisors and commanding officer shall not discuss an assessment of the incident.

- * Ensure that the initial needs of the involved employee(s) are met (e.g., notification to family/friends, involved employee(s) and personal vehicle transported to residence at conclusion of interviews, etc.); and,
- * Review the Training, Evaluation, and Management System (TEAMS) Report of the involved employee(s), to examine the areas of discipline information, use of force information and pursuits. Obtain the details in any of the areas of concern (e.g., contacting Professional Standards Bureau for details on a pending complaint(s), Intradepartmental Correspondence to the Police Commission for the details on a prior shooting or a Categorical use of force, discussions with the involved employee's immediate supervisor or officer in charge to examine if a pattern in uses of force or discipline exists, etc.).

B. Directed Referral to Behavioral Science Services. The commanding officer of an on- or off-duty employee(s) who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical use of force resulting in death or the substantial possibility of death shall:

- * Notify Behavioral Science Services (BSS) within two administrative working days of the incident;
- * Schedule an appointment for the employee(s) with BSS for a psychological evaluation by a licensed mental health professional and notify the involved employee of the appointment; and,

Note: An employee's attendance at a BSS session resulting from a directed referral is mandatory and shall be conducted on an on-duty basis.

- * Consult with BSS after the involved employee's mandated appointment to obtain their recommendation of whether or not to return the employee(s) to field duty. Other than the recommendation of BSS, matters discussed during the BSS evaluation shall be strictly confidential.

C. Return to Field Duty. Prior to returning an employee to field duty, approval is required from the Chief of Police. After obtaining the recommendation from BSS to return an involved employee to field duty, the involved employee's commanding officer shall:

- * Interview the employee(s) to assess the employee's readiness and suitability to return to field duty;
- * Obtain concurrence from the bureau commanding officer, who will then obtain approval from the assistant chief within their chain of command and Chief of Police, regarding the involved employee's readiness to return to field duty;
- * Notify the involved employee(s) of the determination to return or not return the employee to field duty status; and,
- * Continue to assess and monitor the involved employee(s) upon their return to field duty to ensure the welfare of the involved employee considering liability factors, work products, subsequent interviews, and complaint or work history.

D. Notification to Use of Force Review Board. Within thirty calendar days of the incident, the commanding officer of the employee who is involved in an officer-involved shooting resulting in an injury to any person or a Categorical use of force resulting in death or the substantial possibility of death shall submit an Intradepartmental Correspondence, Form 15.2, through the chain of command to the Chair of the Use of Force Review board confirming compliance with these guidelines. The Intradepartmental Correspondence shall include:

- * The date of the incident;
- * The date of the officer's BSS visit;

- * The date of the commanding officer's consultation with BSS;
- * The recommendation of BSS regarding the duty status of the involved employee;
- * The rationale for the commanding officer's decision to return or not return the employee to field duty status;
- * The dates approval to return the employee to field duty were obtained from the bureau commanding officer, assistant chief and Chief of Police;
- * The date the officer(s) was returned to field duty, if such a determination was made;
- * The specific assignment(s) of the involved employee on each of the dates prior to the officer being returned to field duty; and,

Note: If the involved employee has not returned to field duty within thirty calendar days of the incident due to the determination of BSS or the non-approval by the Chief of Police, additional Intradepartmental Correspondences shall be submitted every thirty days thereafter indicating specific assignment(s) of the involved employee pending their return to field duty until approved for return to full duty.

- * Any duty restrictions attached to the return to field duty determination.

Note: Nothing in this Order prevents a commanding officer from referring an officer to BSS under less serious circumstances (Department Manual Section 3/799).

II. BUREAU COMMANDING OFFICER'S RESPONSIBILITY. Upon notification by the involved employee's commanding officer of BSS's recommendation to return the employee who was involved in an officer-involved shooting resulting in an injury to any person or a Categorical use of force resulting in death or the substantial possibility of death to field duty, the bureau commanding officer shall:

- * Discuss the involved employee's readiness and suitability to return to field duty with the involved

- employee's commanding officer and consider their recommendation for approval or disapproval;
- * Consult with the assistant chief within the employee's chain of command and the Chief of Police, or his/her designee **within seven days** of the BSS recommendation to return the officer to field duty to obtain approval for the employee to return to field duty; and,

Note: It is the responsibility of the involved employee's bureau commanding officer to ensure concurrence is obtained from the Chief of Police, or designee, through his/her chain of command in a timely manner. This may be accomplished telephonically, if necessary.

- * Advise the involved employee's commanding officer of the decision of the Chief of Police.

AMENDMENTS: This Order amends Sections 3/794.40 and 4/245.15 of the Department Manual.

AUDIT RESPONSIBILITY: The Chief of Support Services shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "A"